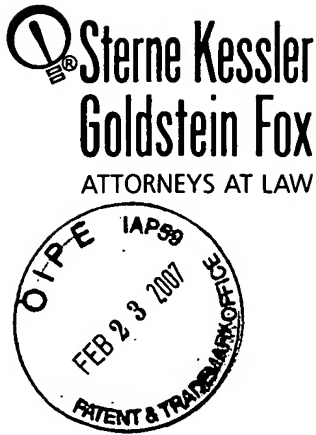


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February 23, 2007

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit To be Assigned

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
✓ Application No. 10/578,497 (U.S. Nat'l Phase of Appln No. PCT/EP2004/012444);
Int'l Filing Date: November 4, 2004
For: **2-Halo-6-Alkylphenyl-Substituted Tetramic Acid Derivatives**
Inventors: FISCHER *et al.*
Our Ref: 2400.0300000/VLC/BLS

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement Filing under 37 C.F.R. § 1.97(b);
2. Form PTO/SB/08A (7 sheets);
3. Form PTO/SB/08B (1 sheet);
4. Copies of sixty four (64) references (documents FP1 - FP56 and NPL1 - NPL8); and
5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
February 23, 2007
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'B. Skelton', with a stylized flourish at the end.

Bryan L. Skelton
Attorney for Applicants
Registration No. 50,893

BLS/egw
Enclosure(s)

644808v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FISCHER *et al.*

Appl. No.: 10/578,497 (U.S. Nat'l Phase
of Int'l Appl. No.
PCT/EP2004/012444)

Intl. Filing Date November 4, 2004

For: **2-Halo-6-Alkylphenyl-Substituted
Tetramic Acid Derivatives**

Art Unit: *To be Assigned*

Examiner: *To be Assigned*

Atty. Docket: 2400.0300000/JMC/BLS

**Information Disclosure Statement
Filing under 37 C.F.R. § 1.97(b)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1-FP56** and **NPL1-NPL8** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, documents **US1** to **US19**, cited on the attached IDS Form PTO/SB/08A are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1-FP6**, **FP8-FP10**, **FP14**, **FP15**, **FP18-FP20**, **FP22**, **FP23**, **FP25-FP33**, **FP35**, **FP37-FP41**, **FP43-FP49**, and **FP51-FP55**, cited on Form PTO/SB/08A, and documents, **NPL2** and **NPL4**, cited on Form PTO/SB/08B.

Document **FP1**, DE 2218097, is in a foreign language. It is believed that Document **US2**, US 4,021,224, is an English language equivalent to document **FP1**.

Document **FP2**, DE 2350547, is in a foreign language. It is believed that Document **US1**, US 3,989,503, is an English language equivalent to document **FP2**.

Document **FP3**, EP 0 086 750 A2, is in a foreign language. It is believed that Document **US3**, US 4,623,727, is an English language equivalent to document FP3.

Document **FP4**, EP 0 094 349 A2, is in a foreign language. It is believed that Document **US7**, US 4,902,340, is an English language equivalent to document FP4.

Document **FP5**, EP 0 174 562 A2, is in a foreign language. It is believed that Document **US4**, US 4,639,266, is an English language equivalent to document FP5.

Document **FP6**, EP 0 191 736 A2, is in a foreign language. It is believed that Document **US5**, US 4,881,966, is an English language equivalent to document FP6.

Document **FP8**, EP 0 269 806 A1, is in a foreign language. It is believed that Document **US6**, US 4,891,057, is an English language equivalent to document FP8.

Document **FP9**, EP 0 333 131 A1, is in a foreign language. It is believed that Document **US11**, US 5,401,700, is an English language equivalent to document FP9.

Document **FP10**, EP 0 346 620 A1, is in a foreign language. An English language abstract of document FP10 is attached as document **NPL7**.

Document **FP14**, WO 91/07874, is in a foreign language. An English language abstract of the document FP14 can be found on the face page of the patent.

Document **FP15**, WO 91/08202, is in a foreign language. An English language abstract of the document FP15 can be found on the face page of the patent.

Document **FP18**, EP 0 456 063 A2, is in a foreign language. It is believed that Document **US9**, US 5,258,527, is an English language equivalent to document FP18.

Document **FP19**, EP 0 492 366 A2, is in a foreign language. It is believed that Document **US10**, US 5,380,852, is an English language equivalent to document FP19.

Document **FP20**, EP 0 521 334 A1, is in a foreign language. It is believed that Document **US14**, US 5,589,469, is an English language equivalent to document FP20.

Document **FP22**, EP 0 582 198 A2, is in a foreign language. It is believed that Document **US17**, US 5,739,079, is an English language equivalent to document FP22.

Document **FP23**, EP 0 596 298 A2, is in a foreign language. It is believed that Document **US12**, US 5,462,913, is an English language equivalent to document FP23.

Document **FP25**, EP 0 613 884 A2, is in a foreign language. It is believed that Document **US15**, US 5,602,078, is an English language equivalent to document FP25.

Document **FP26**, EP 0 613 885 A2, is in a foreign language. It is believed that Document **US13**, US 5,567,671, is an English language equivalent to document FP26.

Document **FP27**, WO 94/29268, is in a foreign language. An English language abstract of the document FP27 can be found on the face page of the patent.

Document **FP28**, WO 95/01971, is in a foreign language. An English language abstract of the document FP28 can be found on the face page of the patent.

Document **FP29**, WO 95/07897, is in a foreign language. An English language abstract of the document FP29 can be found on the face page of the patent.

Document **FP30**, WO 95/20572, is in a foreign language. An English language abstract of the document FP30 can be found on the face page of the patent.

Document **FP31**, EP 0 668 267 A1, is in a foreign language. It is believed that Document **US16**, US 5,622,917, is an English language equivalent to document FP31.

Document **FP32**, WO 95/26954, is in a foreign language. An English language abstract of the document FP32 can be found on the face page of the patent.

Document **FP33**, WO 96/25395, is in a foreign language. An English language abstract of the document FP33 can be found on the face page of the patent.

Document **FP35**, WO 97/01535, is in a foreign language. An English language abstract of the document FP35 can be found on the face page of the patent.

Document **FP37**, WO 97/36868, is in a foreign language. An English language abstract of document FP37 can be found on the face page of the patent..

Document **FP38**, WO 97/43275, is in a foreign language. An English language abstract of the document FP38 can be found on the face page of the patent.

Document **FP39**, DE 196 21 522 A1, is in a foreign language. It is believed that Document **US18**, US 6,235,680 B1, is an English language equivalent to document FP39.

Document **FP40**, WO 98/05638, is in a foreign language. An English language abstract of the document FP40 can be found on the face page of the patent.

Document **FP41**, WO 98/06721, is in a foreign language. An English language abstract of the document FP41 can be found on the face page of the patent.

Document **FP43**, WO 98/25928, is in a foreign language. An English language abstract of the document FP43 can be found on the face page of the patent.

Document **FP44**, WO 99/16748, is in a foreign language. An English language abstract of the document FP44 can be found on the face page of the patent.

Document **FP45**, WO 99/24437, is in a foreign language. An English language abstract of the document FP45 can be found on the face page of the patent.

Document **FP46**, WO 99/43649, is in a foreign language. An English language abstract of the document FP46 can be found on the face page of the patent.

Document **FP47**, WO 99/48869, is in a foreign language. An English language abstract of the document FP47 can be found on the face page of the patent.

Document **FP48**, WO 99/55673, is in a foreign language. An English language abstract of the document FP48 can be found on the face page of the patent.

Document **FP49**, WO 99/66795, is in a foreign language. An English language abstract of the document FP49 can be found on the face page of the patent.

Document **FP51**, WO 01/09092 A1, is in a foreign language. An English language abstract of the document FP51 can be found on the face page of the patent.

Document **FP52**, WO 01/17972 A2, is in a foreign language. An English language abstract of the document FP52 can be found on the face page of the patent.

Document **FP53**, WO 01/23354 A2, is in a foreign language. An English language abstract of the document FP53 can be found on the face page of the patent.

Document **FP54**, WO 01/74770 A1, is in a foreign language. An English language abstract of the document FP54 can be found on the face page of the patent.

Document **FP55**, WO 03/013249 A1, is in a foreign language. An English language abstract of the document FP55 can be found on the face page of the patent.

Document **NPL2**, Compagnon, P. and Miocque, M., "Addition Des Réactifs Nucléophiles Sur La Triple Liaison Nitrile," *Ann. Chim.* 5:11-22, Società chimica italiana (1970), is in a foreign language. An English language abstract of document NPL2 can be found on the face page of the article.

Document **NPL4**, Schmierer, R. and Mildenberger, H., "Cyclisierung von *N*-Acylalanin- und *N*-Acylglycinestern," *Liebigs Ann. Chem.* :1095-1098, Verlag Chemie (1985), is in a foreign language. An English language abstract of document NPL4 can be found on the face page of the article.

The documents **FP11-FP13**, **FP16**, **FP17**, **FP34**, **FP36**, **FP42**, **FP50**, and **FP56** were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. The search report is attached as document **NPL8** on the IDS Form, PTO/SB/08B. 1138 OG 37, 38.

Applicants' would also like to bring to the attention of the Examiner that, for the following document, **NPL3**, the volume of the journal could not be determined to the best of the Applicants' ability: Harrison, H., *et al.*, "Use of molecular sieves in the methyl

esterification of carboxylic acids," *Chem. Ind.* :1568, Society of Chemical Industry (1968).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of the First Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

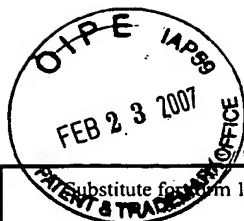
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Bryan L. Skelton
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/578,497 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/012444)
				Int'l Filing Date	November 4, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	To be Assigned
				Examiner Name	To be Assigned
Sheet	1	of	7	Attorney Docket Number	2400.0300000/JMC/BLS

U.S. PATENT DOCUMENTS					
Examiner Initials ¹	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If Known)			
	US1	3,989,503	11/02/1976	Pallos <i>et al.</i>	
	US2	4,021,224	05/03/1977	Pallos <i>et al.</i>	
	US3	4,623,727	11/18/1986	Hubele	
	US4	4,639,266	01/27/1987	Heubach <i>et al.</i>	
	US5	4,881,966	11/21/1989	Nyffeler <i>et al.</i>	
	US6	4,891,057	01/02/1990	Sohn <i>et al.</i>	
	US7	4,902,340	02/20/1990	Hubele	
	US8	4,925,868	05/15/1990	Terao <i>et al.</i>	
	US9	5,258,527	11/02/1993	Krauskopf <i>et al.</i>	
	US10	5,380,852	01/10/1995	Schutze <i>et al.</i>	
	US11	5,401,700	03/28/1995	Sohn <i>et al.</i>	
	US12	5,462,913	10/31/1995	Fischer <i>et al.</i>	
	US13	5,567,671	10/22/1996	Fischer <i>et al.</i>	
	US14	5,589,469	12/31/1996	Fischer <i>et al.</i>	
	US15	5,602,078	02/11/1997	Fischer <i>et al.</i>	
	US16	5,622,917	04/22/1997	Fischer <i>et al.</i>	
	US17	5,739,079	04/14/1998	Holdgrun <i>et al.</i>	

FOREIGN PATENT DOCUMENTS					
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
	FP1	DE 2218097	11-02-1972	Stauffer Chemical Co.	
	FP2	DE 2350547	04-25-1974	Stauffer Chemical Co.	
	FP3	EP 0 086 750 A2	08-24-1983	Ciba-Geigy AG	
	FP4	EP 0 094 349 A2	11-16-1983	Ciba-Geigy AG	
	FP5	EP 0 174 562 A2	03-19-1986	Hoechst Aktiengesellschaft	
	FP6	EP 0 191 736 A2	08-20-1986	Ciba-Geigy AG	
	FP7	EP 0 262 399 A2	04-06-1988	Takeda Chemicals Industries, Ltd.	
	FP8	EP 0 269 806 A1	06-08-1988	Hoechst Aktiengesellschaft	
	FP9	EP 0 333 131 A1	09-20-1989	Hoechst Aktiengesellschaft	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Number	10/578,497 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/012444)
Int'l Filing Date	November 4, 2004
First Named Inventor	FISCHER, Reiner
Art Unit	<i>To be Assigned</i>
Examiner Name	<i>To be Assigned</i>
Attorney Docket Number	2400.030000/JMC/BLS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ² Number ⁴ Kind Code ³ (if known)			
	FP19	EP 0 492 366 A2	07-01-1992	Hoechst Aktiengesellschaft	
	FP20	EP 0 521 334 A1	01-07-1993	Bayer AG	
	FP21	GB 2 266 888	11-17-1993	Merck Sharp & Dohme Limited	
	FP22	EP 0 582 198 A2	02-09-1994	Hoechst Aktiengesellschaft	
	FP23	EP 0 596 298 A2	05-11-1994	Bayer AG	
	FP24	EP 0 613 618 A1	09-07-1994	American Cyanamid Company	
	FP25	EP 0 613 884 A2	09-07-1994	Bayer AG	
	FP26	EP 0 613 885 A2	09-07-1994	Bayer AG	
	FP27	WO 94/29268 A1	12-22-1994	Bayer Aktiengesellschaft	Abs

Date
Considered

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Int'l Filing Date	November 4, 2004
First Named Inventor	FISCHER, Reiner
Art Unit	<i>To be Assigned</i>
Examiner Name	<i>To be Assigned</i>
Attorney Docket Number	2400.0300000/JMC/BLS

[illegible]

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/578,497 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/012444))
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				First Named Inventor	FISCHER, Reiner
				Art Unit	To be Assigned
				Examiner Name	To be Assigned
Sheet	1	of	1	Attorney Docket Number	2400.0300000/JMC/BLS

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Bhattacharya, B., "Isoquinoline Derivatives: Part XVIII-Formation of 1-Alkyl-(or alkaryl or aryl)-3-methyl-7-chloro-(or 5-chloro)-isoquinolines," <i>Indian J. Chem.</i> 6:341-345, Council of Scientific and Industrial Research (1968)	
	NPL2	Compagnon, P. and Miocque, M., "Addition Des Réactifs Nucléophiles Sur La Triple Liaison Nitrile," <i>Ann. Chim.</i> 5:11-22, Società chimica italiana (1970)	Abs
	NPL3	Harrison, H., <i>et al.</i> , "Use of molecular sieves in the methyl esterification of carboxylic acids," <i>Chem. Ind.</i> :1568, Society of Chemical Industry (1968)	
	NPL4	Schmierer, R. and Mildenerberger, H., "Cyclisierung von N-Acylalanin- und N-Acylglycinestern," <i>Liebigs Ann. Chem.</i> 5:1095-1098, Verlag Chemie (1985)	Abs
	NPL5	Sonntag, N., "The Reactions of Aliphatic Acid Chlorides," <i>Chem. Rev.</i> 52:237-416, American Chemical Reviews (1953)	
	NPL6	Suzuki, S., <i>et al.</i> , "Studies on Antiviral Agents. IV. Biological Activity of Tenuazonic Acid Derivatives," <i>Chem. Pharm. Bull.</i> 15:1120-1122, Pharmaceutical Society of Japan (1967)	
	NPL7	Dialog File 351, Accession No. 1989-357432, WPI English language abstract for EP 0 346 620 (listed on accompanying PTO/SB/08A as document FP10)	
	NPL8	International Search Report for International Application No. PCT/EP2004/012444, European Patent Office, Netherlands, mailed on April 7, 2005	

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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